MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2288 OF 2007

M/s.Daptardar & Co. ..Petitioner

Versus

Union of India & Anr. ..Respondents

Mr. Venkatesh A. Shastri, for the Petitioner.
Mr. V.P.Malwankar, AGP for respondent No.2.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 16TH APRIL, 2007.

P.C.

. The father of the petitioners 1A and 1B was a partner along with them in the firm known as M/s.Daptardar & Co., which came into existence on 17th November, 2004. That firm has not been registered. It is the case of the two sons that their father retired from the partnership by a Deed of Retirement dated 18th November, 2004. Subsequent to that the two sons have applied to the Registrar for registering the partnership. The Registrar called upon them to make some compliances. In the meantime the father filed an objection contending that the sons got the Deed of Retirement done by exercising undue influence without any discussion and free consent and by giving false assurances to him. It is his contention that he continues to be a partner of the firm and the two sons should not be allowed to register the firm. It is pursuant to that the Registrar called upon the two sons to file compliance. They were also called upon to furnish Form "A" and "E". As those were not submitted by communication dated 18th January, 2007 the sons were informed that no further action could be taken for

registration without obtaining orders from the Court. The communication also reveals that there is some dispute which is also mentioned in the letter signed by the father to the Assistant Registrar. Considering the above, in our opinion this is not a fit case for us to interfere in the exercise of our extra ordinary jurisdiction unless and until the two sons comply with the requirement and demand made by the office of the Registrar. With the above observation Writ Petition disposed of. If the two sons comply with the directions it is open to the Registrar to consider the same in accordance with law. With the above observations, writ petition disposed of.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**